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DEPT. OF TRANSPORTATION

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Capital Cargo International

A I R L I N E S

Thomas J. Woolford
Director of Quality Control
Capital Cargo International Airlines, Inc.
6200 Hazeltine National Drive, Suite 100
Orlando, Florida 32822

March 14, 2003

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street SW
Washington, DC 20590-0001

Ref.: Docket No. **FAA-2002-14081**; NPRM 03-02 - Transponder Continuous Operation

To Whom It May Concern;

Capital Cargo International Airlines Inc. (CCIA), certificate number C8GA881Y, is a Part 121 all cargo supplemental carrier operating Boeing B727-200 series aircraft.

Reference the above NPRM concerning a revision to FAR 121.346 requiring aircraft modification to provide continuous operation capability of the ATC transponder. The revision is required to address immediate activation of ATC hijack alert code 7500.

As an all cargo operator, CCIA does not have the capability of carrying passengers onboard its aircraft. In the wake of September 11th, CCIA revised its policies and procedures concerning the carriage of personnel that restricts access to crewmembers only. For this reason, the requirements of SFAR 92-4, paragraph 6, and FAR 121.313(f), and (j) do not apply to CCIA.

Further, the recent issuance of FAA Notice N8400.42, dated 2/28/03, states that "No funds appropriated in this Act may be used to apply or enforce a regulatory requirement for strengthening of flight deck doors on classes of aircraft not specifically required to take such action under Public Law 107-71, section 104(a)(1), unless and until the Under Secretary of Transportation for Security, after opportunity for notice and comment, determines that such strengthening is necessary for aviation security purposes." CCIA believes that if strengthening of the cockpit door is not necessary for all cargo operators, then the requirements of this NPRM should not apply.

As CCIA does not carry passengers or non-company personnel and complies with applicable security precautions for access to its aircraft, CCIA believes the threat of hijacking is extremely remote. Therefore, CCIA believes the proposed deterrent to hijacking is ineffective in our operation, the modification of its aircraft to comply with this change does not appreciably benefit overall safety or security, and it is an unnecessary cost burden on the airline.

CCIA believes the requirements discussed in this NPRM should be revised to include verbiage similar to SFAR 92-4 and 121.313 in that it should only apply to passenger operations and all cargo operators that utilize other occupied compartments.

If you have any questions concerning this matter, please contact me at 407-812-1691.

Sincerely,



Thomas J. Woolford
Director Quality Control / Chief Inspector

FLIGHTCREW COMPARTMENT ACCESS AND DOOR DESIGNS

1. *Applicability.* This Special Federal Aviation Regulation (SFAR) applies to all operators that hold an air carrier certificate or operating certificate issued under 14 CFR part 119 and that conduct operations under 14 CFR part 121 and to operators of U.S. registered transport category aircraft operated under 14 CFR part 129, except paragraph 5 of this SFAR does not apply to cargo operations and 14 CFR part 129 operations. It applies to the operators specified in this SFAR that modify airplanes to improve the flightcrew compartment door installations to restrict the unwanted entry of persons into the flightcrew compartment. This SFAR also applies to production certificate holders and applicants for airworthiness certificates for airplanes to be operated by operators specified in this SFAR, and producers of parts to be used in such modification.
2. *Regulatory Relief.* Contrary provisions of this part 21, and §§121.313(h), 121.153(a)(2), 121.153(c), 121.379(b), 121.583(b)(1) and (2), and 14 CFR 129.13 notwithstanding:
 - (a) An operator may operate airplanes modified to improve the flightcrew compartment door installations to restrict the unauthorized entry of persons into the flightcrew compartment without regard to the applicable airworthiness requirements and may modify those airplanes for that purpose, using technical data not previously approved by the Administrator, subject to the following conditions:
 - (i) Not later than February 15, 2002, submit to the Director, Aircraft Certification Service, a detailed description of the changes to the airplane that have been accomplished to enhance the intrusion resistance of the flightcrew compartment including identification of what major alterations have been done without previously approved data.
 - (ii) If, upon reviewing the data submitted in paragraph 2(a)(i) of this SFAR, the Administrator determines that a door modification presents an unacceptable safety risk, the FAA may issue an order requiring changes to such modifications.
 - (b) An applicant for an airworthiness certificate may obtain such a certificate for modified airplanes to be operated by operators described in this SFAR.
 - (c) A holder of a production certificate may submit for airworthiness certification or approval, modified airplanes to be operated by operators described in this SFAR.
 - (d) A person may produce parts for installation on airplanes in connection with modifications described in this SFAR, without FAA parts manufacturer approval (PMA).
3. *Report of Modifications.* Not later than April 22, 2002, all operators who are required to install flightdeck door modifications in accordance with §121.313(j) must submit a report to the Director, Aircraft Certification Service. The report must describe the modifications to be made and provide a schedule for the changes necessary to restore compliance with all applicable airworthiness requirements and to meet the requirements of §121.313(j). The schedule may not extend beyond the termination data of this SFAR.
4. *Return to Service Documentation.* Where operators have modified airplanes as authorized in this SFAR, the affected airplane must be returned to service with a note that it was done under the provisions of this SFAR.
5. *Provision for Flightdeck Door Compartment Key.* Contrary to provisions of §121.313(g), the following provision applies: A key for each door that separates a passenger compartment from an emergency exit must be identified to passengers in the briefing required by §121.571(a)(1)(ii). The key required for access to the emergency exit must be readily available for each crewmember. No key to the flightcrew compartment shall be available to any crewmember during flight, except for flight crewmembers, unless an internal flightdeck locking device such as a deadbolt or bar is installed, operative, and in use.
6. *Door Modification Requirement.* After March 1, 2002, for each airplane required under paragraph 121.313(f) to have a door between the passenger and pilot compartments, and for transport category all-cargo airplanes that have a door installed between the pilot compartment and any other occupied compartment on or after January 15, 2002, such door must be equipped with an internal locking device installed, operative, and in use. Such internal locking device has to be designed so that it can only be unlocked from inside the flightdeck.
7. *Termination.* This SFAR terminates on April 9, 2003.

- (b) *Seat cushions.* Seat cushions, except those on flight crewmember seats, in each compartment occupied by crew or passengers, must comply with the requirements pertaining to seat cushions in §25.853(c) effective on November 26, 1984, on each airplane as follows:
 - (1) Each transport category airplane type certificated after January 1, 1958; and
 - (2) On or after December 20, 2010, each nontransport category airplane type certificated after December 31, 1964.
- (c) *All interior materials; airplanes type certificated in accordance with SFAR No. 41 of 14 CFR Part 21.* No person may operate an airplane that conforms to an amended or supplemental type certificate issued in accordance with SFAR No. 41 of 14 CFR Part 21 for a maximum certificated takeoff weight in excess of 12,500 pounds unless the airplane meets the compartment interior requirements set forth in §25.853(a) in effect March 6, 1995 (formerly §25.853(a), (b), (b-1), (b-2), and (b-3) of this chapter in effect on September 26, 1978)(see App. L of this part).
- (d) *All interior materials; other airplanes.* For each material or seat cushion to which a requirement in paragraphs (a), (b), or (c) of this section does not apply, the material and seat cushion in each compartment used by the crewmembers and passengers must meet the applicable requirement under which the airplane was type certificated.

121.313 MISCELLANEOUS EQUIPMENT

No person may conduct any operation unless the following equipment is installed in the airplane:

- (a) If protective fuses are installed on an airplane, the number of spare fuses approved for that airplane and appropriately described in the certificate holder's manual.
- (b) A windshield wiper or equivalent for each pilot station.
- (c) A power supply and distribution system that meets the requirements of §§25.1309, 25.1331, 25.1351(a) and (b)(1) through (4), 25.1353, 25.1355 and 25.1431(b) or that is able to produce and distribute the load for the required instruments and equipment, with use of an external power supply if any one power source or component of the power distribution system fails. The use of common elements in the system may be approved if the Administrator finds that they are designed to be reasonably protected against malfunctioning. Engine-driven sources of energy, when used, must be on separate engines.
- (d) A means for indicating the adequacy of the power being supplied to required flight instruments.
- (e) Two independent static pressure systems, vented to the outside atmospheric pressure so that they will be least affected by air flow variation or moisture or other foreign matter, and installed so as to be airtight except for the vent. When a means is provided for transferring an instrument from its primary operating system to an alternate system, the means must include a positive positioning control and must be marked to indicate clearly which system is being used.
- (f) A door between the passenger and pilot compartments, with a locking means to prevent passengers from opening it without the pilot's permission, except that nontransport category airplanes certificated after December 31, 1964, are not required to comply with this paragraph.
- (g) A key for each door that separates a passenger compartment from another compartment that has emergency exit provisions. The key must be readily available for each crewmember.
- (h) A placard on each door that is the means of access to a required passenger emergency exit, to indicate that it must be open during takeoff and landing.
- (i) A means for the crew, in an emergency to unlock each door that leads to a compartment that is normally accessible to passengers and that can be locked by passengers.
- (j) After April 9, 2003, for airplanes required by paragraph (f) of this section to have a door between the passenger and pilot or crew rest compartments, and for transport category, all-cargo airplanes that have a door installed between the pilot compartment and any other occupied compartment on January 15, 2002:
 - (1) Each such door must meet the requirements of §§ 25.795 (a)(1) and (2) in effect on January 15, 2002; and
 - (2) Each operator must establish methods to enable a flight attendant to enter the pilot compartment in the event that a flightcrew member becomes incapacitated. Any associated signal or confirmation system must be operable by each flightcrew member from that flightcrew member's duty station. [Amend #288 eff 15 JAN 02]

121.314 CARGO AND BAGGAGE COMPARTMENTS

For each transport category airplane type certificated after January 1, 1958:

- (a) Each Class C or D compartment, as defined in §25.857 of this chapter, in effect on June 16, 1986 (see Appendix L to this part), that is greater than 200 cubic feet in volume must have ceiling and sidewall liner panels which are constructed of:
 - (1) Glass fiber reinforced resin;
 - (2) Materials which meet the test requirements of Part 25, Appendix F, Part III of this chapter; or
 - (3) In the case of liner installations approved prior to March 20, 1989, aluminum.
- (b) For compliance with paragraph (a) of this section, the term "liner" includes any design feature, such as a joint or fastener, which would affect the capability of the liner to safely contain a fire.

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8400.42

2/28/03

Cancellation
Date: 2/28/04

SUBJ: FLIGHT DECK DOORS ON CARGO ONLY AIRCRAFT

1. PURPOSE. This notice provides information to office managers and Aviation Safety Inspectors (ASI) on the recent publication of Public Law 107-71, section 104(a)(1) by the U.S. Congress and the Omnibus Appropriations Bill.

2. DISTRIBUTION. This notice is distributed electronically to all regional Flight Standards divisions and district offices. A printed copy will be distributed to the branch level in the regional Flight Standards divisions, to Flight Standards District Offices, to the division level in the Flight Standards Service in Washington headquarters, and to the Regulatory Standards Division at the Mike Monroney Aeronautical Center.

3. BACKGROUND.

a. September 11, 2001. Immediately following the attacks of September 11, 2001, The Congress and FAA Security found it necessary to pass legislation to ensure the continued safety of the public.

b. Public Law 107-71, Section 104(a)(1), Improved Flight Deck Integrity Measures.

“(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall--

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation that are required to have a door between the passenger and pilot compartments under title 14 Code of Federal Regulations, except to authorized persons;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit access and egress by authorized persons; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the aircraft.”

Distribution: All FSDOs (Electronically); A-FFS-7 (LTD)
A-X(FS)-3; A-W(FS)-2; AMA-200 (80cys)

Initiated by: AFS-220

b. Omnibus Appropriation Bill, Section 355. On February 20, 2003, President Bush signed Public Law 108-7, the Omnibus Appropriation Bill, which also contains language on strengthening of flight deck doors:

“No funds appropriated in this Act may be used to apply or enforce a regulatory requirement for strengthening of flight deck doors on classes of aircraft not specifically required to take such action under Public Law 107-71, section 104(a)(1), unless and until the Under Secretary of Transportation for Security, after opportunity for notice and comment, determines that such strengthening is necessary for aviation security purposes.”

4. ACTION. As a result of the Omnibus Appropriation Bill, no action should be taken by Inspectors for cargo only aircraft in regard to the flight deck doors until further notification by this office.

/s/

James J. Ballough
Director, Flight Standards Service